# **EXHIBIT A**

08-01789-cgm Doc 723-1 Filed 11/12/09 Entered 11/12/09 13:40:20 Exhibit A Pg 2 of 5

## BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidution

## DECEMBER 11, 2018

#### NOTICE OF TRUSTIES DETERMINATION OF CLAIM

October 19, 2009

Susan Greer 57 Winding Way West Orange, NJ 07052

Dear Susan Green:

#### PLEASE READ THIS NOTICE CARRIOUSLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78saa of 32g. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 12A356 designated as Claim Number 000996:

Your claim for securities is DENIED. No securities were over purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$410,000.00), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$225,000,00). As noted, no securities were ever purchased by BLMIS for your account. Any and

<sup>1</sup> Section 78/20(7)(B) of SIFA status that the filling date is "the flate on which an application for a protective should like ander 78cos(s)(3)," execut) where the debter is the subject of a proceeding pending before a United States court in which a receiver, trustee, or liquidator for such debter has been appeared and such proceeding was commenced sectors the date on which such appearation was filled, the term filling date? means the date on which such proceeding was commenced." Section 78%(7)(B). Thus, even though the Application for a protective decree was filled on December 13, 2008, the Filling Date in this action is an December 11, 2008.

all profits reported to you by BLMIS on account statements were fictitious.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (S185,000.00) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "not equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply a retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a weiver of any rights or claims held by the Trustee against you.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptey Judge Burton R. Lifland, you <u>MUST</u> file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptey Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptey Court and the Trustee within THIRTY DAYS after October 19, 2009, the date on which the Trustee mailed this notice.

PLEASE TAKE FURTHER NOTICE: If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

PLEASIC TAKIC FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

PLEASE TAKE FLETHER NOTICE: You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Ceart for the Southern District of New York One Bowling Green New York, New York 10004

and

lrving H Picard, Trustee c/o Baker & Hostetler LLP 45 Rockefeller Plaza

New York, New York 10111

rving H. Picard

Trustee for the Liquidation of the Business of Bernard L. Madoff Investment Securities LLC:

DATE	TRANSACTION DESCRIPTION	AMOUNT
12/9/1992	CHECK	<b>\$</b> 225,00
Total Deposits:	a distribution description and the company of the c	\$225,00
DATE	TRANSACTION DESCRIPTION	AMOUNT
7/2/1903	CHECK	(£!:a,ab:
1/31/: 394	CHECK	(\$10,900
ω/22/1994 <u>.</u>	CHLCK	(\$20 <u>,</u> 00:
12/23/: 396	ÇHECK	(%19,00°
5/21/1898	CHLCK .	(\$10,00:
4/23/ 395	CHECK	(419,00)
10/11/2002	⊈ ILCK	<b>(\$120,00</b> 3
10/9/2303	CHECK	; <b>\$</b> :50,00%
3/27/2306	C IŁĆK	(\$100,db:
Total Withdrawals:		(\$410,00)
Total deposits less withdrawals:		/; <b>‡</b> 185,00: